



## STATEMENT REGARDING POLICE DEPARTMENT INVESTIGATION

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West Chester Township hired a third-party in March to investigate complaints and allegations by two West Chester police captains against Police Chief Joel Herzog. The findings of the third-party investigator are his, and are based on extensive interviews with all of those involved, his experience and legal expertise.

All complaints made by the two captains were taken seriously with the intention of unraveling the truths and finding a path to restore a positive workplace culture for all.

The report stands on its own and offers details about how events transpired.

Township Administrator Larry Burks will continue to work with the West Chester Board of Trustees in weighing the outcomes and conclusions of this report, along with any new concerns brought forward, to determine next steps.

The ultimate goal is a positive workplace environment for all of West Chester's professionals, in order to provide the most exceptional service to the community.

The report is lengthy and provides detailed insight and facts into the interactions and actions of the police command staff, drawing conclusions based on interviews and research. It goes into detail regarding each complaint made and deserves a full reading.

It is up to the reader to draw his or her own conclusions from the report, but residents should know that the Township is not blind to the circumstances outlined and will take action in the best interest of the community.

We have drawn from the report, significant findings regarding allegations against Chief Joel Herzog:

- **Allegations of Discriminatory Comments about Race, Ethnicity, or Religion** - Chief Herzog, by his own admission, has made careless and less-than-appropriate remarks in conversations with people he trusts and feels comfortable with, including Captain Joe Gutman and former Captain Jamie Hensley. Chief Herzog can never make careless comments, he needs to set the tone, both on-duty, and off-duty in conversations with work colleagues. A performance improvement plan

is recommended specifying that any inappropriate and potentially discriminatory remark in the future is unacceptable. Captains Hensley and Gutman agreed that once they told Chief Herzog in 2019 that these types of comments were not welcome, the comments largely stopped.

- **The Blackface Allegation.** There is no evidence that Chief Herzog ever appeared in Blackface.
- **Allegations regarding handling of Jeff Couch case** - Chief Herzog did not in any way impede either the arrest or the prosecution; Mr. Couch's conviction for felony aggravated assault shows that. The Chief's ethical obligation as the Police Chief, however, is to avoid even the appearance of impropriety, and he failed that standard. The Chief made a serious mistake in judgment, which he belatedly recognizes.
- **Retaliation against the captains.** There is no basis that either the Chief or the Assistant Chief retaliated against either captain for complaining about what they saw as inappropriate behavior by an employee. Neither captain provided any action that affected his pay, his rank, his continued employment, or other impact on his career with West Chester Police Department.
- **Overall.** Chief Herzog must particularly avoid any comment, including joking ones, based on a person's race, sex, religion, national origin or ancestry, age, disability, sexual orientation, or gender identity—that is the law and West Chester Township policy. This is true at all times, on-duty and off-duty, for Joel Herzog always wears the role of West Chester Police Chief, and his words and actions therefore reflect not only on himself but the Police Department and the Township as a whole.

Some findings related to Captain Joe Gutman and former Captain Jamie Hensley:

- With regard to their complaints of "misconduct" by an employee working for Chief Herzog, no misconduct on the part of the employee was identified. Rather, the police captains demonstrated inappropriate behavior by bringing forth accusations tainted with sexist assumptions against a female employee who has done nothing wrong, and in doing so, claimed some right to limit her work activities because of their "discomfort."
- One key issue facing West Chester Township was whether former Captain Jamie Hensley should face disciplinary charges for dishonesty, both in his January 28 meeting with Chief Herzog and Assistant Chief Rebholz, and in his interview with the investigator on May 21, 2020. Before this report or the Police Department internal investigation report was finalized, Capt. Hensley resigned and retired under the Ohio Public Employees Retirement System. That decision eliminates any need to take disciplinary action regarding the honesty issue.
- Captain Joe Gutman continues to serve in the West Chester Police Department. If he wishes to remain as captain, however it is expected that he come to understand that it is Chief Herzog, not he, in whom the Board of Trustees have entrusted the management of the Police Department. The Chief must comply with applicable laws, of course, but he is free to make management decisions with which Capt. Gutman may disagree, even strongly so. That is equally true with Assistant Chief Rebholz, subject to the Chief's authority. If the Trustees are dissatisfied with Chief Herzog's management of the Department, it is their prerogative to act on those concerns.